Pri. Edu. Bom. II/52 (K)

1952. File No.

Legal Department

B BRANCH

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A/517

Subject:— Rules under the Bombay Primary Education Act 1947.

Pri. Edu. Bom. II/52 (K).

LEGAL DEPARTMENT.

The provisions relating to the Provincial Board of Primary Education are found only in sections 58 and 59 of the Bombay Primary Education Act, 1947. Neither of these two sections nor section 63 authorises Government to make rules for granting travelling allowance to mem bers of the Board. In the absence of any provision in the rule making section 63 or provisions on the lines of section 47 which authorize Government to make rules for granting allowances to members of the School Boards, it will not be possible to make the rule proposed by E.D. at page 29 of the correspondence section, under the Primary Education Act. In such cases the provision contained in sub-section (1) of section 63 is not helpful.

Id/-
17/5
Deputy
Additional Secretary to Government.

U.R. to E.D.No. 8341 dated the 19th May 1952.

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Legal Department.

In place of the draft notification at page 165 c.s. a revised draft notification is sent herewith.

2. E.D.draft rule 43-page 133 c.s.- It is not necessary to replace the existing rule 43 by a new rule. It would serve the purpose if the existing rule 43 is suitably amended. The revised draft provides accordingly.

3. E.D. draft rules 43A,43B, and 43C at pages 133-134-C.S.- The proper place for these rules would be in Chapter VIII of the Bombay Primary Education Rules, 1949, after rule 143 thereof. Accordingly revised draft rules 143A, 143B, 143C and 143D with a new heading are incorporated in the revised draft notification. E.D. draft rule 43A has been split up into two revised draft rules 143A and 143B. In the E.D. draft rule 43A there is no specific provision as to the conditions governing loans for the purpose purchase of building site. The E.D. may consider whether any conditions should not be laid down in that behalf.

4. E.D.draft rule 193-pages 137-138 c.s.As it is not intended to make any rule with regard to the provident fund for the primary teachers of authorised municipalities, the existing rule 193 is amended so as to limit its operation to the provident fund maintained by authorised municipalities and new rule 193A is inserted so as to provide for the State provident fund pertaining to district school boards.

5. Schedule 'M' to the Rules .- The E.D. has not proposed any amendments to the existing Schedule 'M: In view of the amendments to rule 193, it is necessary to amend Schedule 'M' so as to limit its operation to the provident fund maintained by authorised municipalities. Necessary amendments to Schedule 'M' are

accordingly included in the revised draft.

6. With reference to the question raised by the E.D. whether it would be feasible under section 46A(2) of the Act for the State Government to defer the transfer of a provident fund from an authorised municipality, the H.L.A. in his opinion No.17766/A dated the 27th October 1952 has advised as follows :-

"Having regard to the state of affairs after the passing of the Bombay Primary Education and Housing Board (Amendment) Act, 1952, a an interval of about three months, i.e. till the next legislative session would by no means be unreasonably long and in transgression of the intention underlying the expression 'as soon as may be'".

E.D. proposes to establish a State Provident Fund only for the staff maintained by the District School Boards and in order that it should not be obligatory upon Government to establish such a fund for the primary school teachers maintained by authorised municipalities the Government proposes to amend the Act in the next session of the Legislature. The draft rules may be brought into force in such a way that there will be as short an interval as possible between the coming into fmm force of the proposed rules and the coming into force of the proposed Act excluding from the purview of section 46A the Provident Fund for the primary school teachers maintained by the authorised municipalities. A circular may be issued to the municipalities concerned that on the coming into force of the proposed rules the existing rules in respect of the provident fund for primary school

teachers maintained by authorised municipalities may be deemed to be in force for all purposes in connection with the provident fund for primary school teachers maintained by authorized municipalities.

Id/-
5/12
Additional Secretary to Government.

U.R. to E.D.No. 20446/B dated the 6th December 1952.

BKS. 28/6/ 4c.